Reg. No. M. 1175

# The Mysore Gazette

(PUBLISHED BY AUTHORITY)

Vol. 83] BANGALORE, THURSDAY, FEBRUARY 5, 1948 [No. 6

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

No. C 2191—Co. 36-47-1, dated Bangalore, the 29th January 1948.

In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act XXIV of 1946, as applied to the Civil and Military Station, Bangalore, by the Retrocession (Application of Laws) Act XXIII of 1947, the Government of His Highness the Maharaja are pleased to direct that the Bangalore Civil and Military Station Cotton Cloth Dealers' Licensing Order, 1943, shall be abrogated with immediate effect and to direct with reference to Rule 119(1) of the said rules that notice of abrogation shall be given by publication in the Official Gazette and by the issue of a Press Note.

A. S. KHALEEL, *Food and Civil Supplies Secy.*

No. R. L. 1532—R. A. 32-47-11, dated Bangalore, the 30th January—3rd February 1948.

Pursuant to the direction contained in the Proclamation of His Highness the Maharaja, dated 29th day of October, 1947, the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the Mysore Constituent Assembly Election Rules, 1948, issued under Notification No. R. L. 1001—R. A. 32-47-1, dated 6th January 1948, namely,—

In the said Rules, for the words "The President, City Municipal Council, Mysore," wherever they occur the words "The Commissioner, City Municipal Council, Mysore," shall be substituted.

No. R. L. 1592—Legis. 19-47-1, dated Bangalore, the 4th February 1948.

Ordered that the accompanying Mysore Shops and Establishments Act, 1948, which received the assent of His Highness the Maharaja, on the 23rd day of January 1948, be published as Act No. II of 1948, in the *Mysore Gazette* for general information.

S. KANAKARATNARAJ, *Legal Remrbcr. and Law Secy.*

## ACT No. II OF 1948.

# THE MYSORE SHOPS AND ESTABLISHMENTS ACT, 1948.

*(Received the assent of His Highness the Maharaja on the 23rd day of January 1948.)*

**An Act to provide for the regulation of conditions of work in Shops, Commercial establishments, Restaurants, Theatres, and other establishments and for certain other purposes.**

Preamble.

WHEREAS it is expedient to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other puposes;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Shops and Establishments Act, 1948.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once in the Cities of Bangalore and Mysore. The Government may, by notification, direct that all or any of the provisions of this Act shall come into force in any other area on such date as may be specified in such notification.

## CHAPTER I.

### PRELIMINARY.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "child" means a person who has not completed twelve years;

(2) "closed" means not open for the service of any customer or open to any business connected with the establishment;

(3) "commercial establishment" means an establishment which is not a shop but which carries on the business of advertising, commission, forwarding or commercial agency or which is a clerical department of a

factory or industrial undertaking or which is an insurance company, joint-stock company, bank, brokers' office or exchange and includes such other establishment as the Government may, by notification, declare to be a commercial establishment for the purposes of this Act;

(4) "day" means the period of twenty-four hours beginning at midnight:

Provided that in the case of a person employed, whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning from the time when such employment commences;

(5) "employer" means a person owning, or having charge of the business of an establishment and includes the manager, agent or other person acting in the general management or control of an establishment;

(6) "establishment" means a shop, commercial establishment, restaurant, eating-house, residential hotel, theatre or any place of public amusement or entertainment and includes such establishment as the Government may, by notification, declare to be an establishment for the purposes of this Act;

(7) "factory" means any premises which is a factory within the meaning of clause (j) of section 2 of the Mysore Factories Act, 1936, or which is declared to be a factory under section 5 of that Act;

(8) "Inspector" means an Inspector appointed under section 42;

(9) "notification" means a notification in the official Gazette;

(10) "opened" means opened for the service of any customer;

(11) "period of work" means the time during which a person employed is at the disposal of the of the employer;

(12) "person employed" means—

(i) in the case of a shop, a person wholly or principally employed therein in connection with the business of the shop;

(ii) in the case of a factory or an industrial undertaking, a member of the clerical staff employed in such factory or undertaking;

(iii) in the case of a commercial establishment other than a clerical department of a factory or an industrial undertaking, a person wholly or principally employed in connection with

the business of the establishment, and includes a peon;

(iv) in the case of a restaurant or eating-house, a person wholly or principally employed in the preparation or the serving of food or drink or in attendance on customers or in cleaning utensils used in the premises or as a clerk or cashier;

(v) in the case of a theatre, a person employed as an operator, clerk, door-keeper, usher or in such capacity as may be specified by the Government by general or special order;

(vi) in the case of an establishment not falling under paragraphs (i) to (v) above, a person wholly or principally employed in connection with the business of the establishment, and includes a peon;

(vii) in the case of all establishments, a person wholly or principally employed in cleaning any part of the premises; but does not include the husband, wife, son, daughter, father, mother, brother, sister or any other relation of an employer not in receipt of wages and dependent on such employer;

(13) "prescribed" means prescribed by rules made under this Act;

(14) "residential hotel" means any premises in which business is carried on *bona fide* for the supply of dwelling accommodation and meals on payment of a sum of money to a traveller or any member of the public or class of the public;

(15) "restaurant" or "eating-house" means any premises in which is carried on wholly or principally the business of the supply of refreshments or meals to the public or a class of the public for consumption on the premises but does not include a restaurant attached to a theatre;

(16) "shop" means any premises where any trade or business is carried on or where services are rendered to customers and includes offices, store-rooms, godowns and warehouses, whether in the same premises or otherwise, used in connection with such business but does not include a restaurant, eating-house or commercial establishment;

(17) "theatre" includes any place intended principally or wholly for the representation of moving pictures or for dramatic performances;

(18) "wages" means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable, whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include—

(*a*) the value of any house-accommodation, supply of light, water, medical attendance or other amenity or of any service excluded by general or special order of the Government;

(*b*) any contribution paid by the employer to any pension fund or provident fund;

(*c*) any travelling allowance or the value of any travelling concession;

(*d*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(*e*) any gratuity payable on discharge.

(19) "week" means a period of seven days beginning at midnight on Saturday;

(20) "young person" means a person who is not a child and has not completed seventeen years.

References to time of day.

3. References to time of day in this Act are references to Indian Standard Time which is five and a half hours ahead of Greenwich Mean Time.

Exemptions.

4. (1) Nothing contained in this Act shall apply to—

(*a*) persons employed in any establishment in a position of management;

(*b*) persons whose work involves travelling; and persons employed as canvassers and caretakers;

(*c*) establishments under the Government or local authorities;

(*d*) establishments in mines;

(*e*) establishments in bazaars in places where fairs or festivals are held temporarily for a period not exceeding fifteen days at a time.

(2) Nothing contained in section 7 or section 13, as the case may be, shall apply to—

(*a*) hospitals and other institutions for the treatment or care of the sick, the infirm, the destitute or the mentally unfit;

(*b*) such chemists' or druggists' shops as the Government may, by general or special order, specify;

(*c*) clubs and residential hotels, hostels attached to schools or colleges, and establishments maintained in boarding schools in connection with the boarding and lodging of pupils and resident masters;

(*d*) stalls and refreshment rooms at railway stations, bus-stands and aerodromes.

Power of Government to apply Act to exempted persons or establishments.

5. Notwithstanding anything contained in section 4, the Government may, by notification, apply all or any of the provisions of this Act to any class of persons or establishments mentioned in that section, other than those mentioned in clauses (*c*) and (*d*) of sub-section (1), and modify or cancel any such notification.

Exemptions

6. The Government may, by notification, exempt either permanently or for any specified period, any establishment or class of establishments, or person or class of persons, from all or any of the provisions of this Act, subject to such conditions as the Government deem fit.

## CHAPTER II.

### SHOPS.

Opening and closing hours of shops.

7. (1) Save as provided by or under any other enactment for the time being in force, no shop shall on any day be opened earlier or closed later than such hour as may be fixed by the Government, by a general or special order in that behalf:

Provided that any customer who was being served or was waiting to be served in any shop at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.

(2) Before passing an order under sub-section (1), the Government shall hold an inquiry in the prescribed manner.

(3) The Government may, for the purposes of this section, fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

Selling outside shops prohibited after closing hour.

8. Save as provided by or under any other enactment for the time being in force, no person shall carry on, in or adjacent to a street or public place, the sale of any goods after the hour fixed under section 7 for the closing of shops dealing in the same class of goods in the locality in which such street or public place is situated:

Provided that nothing in this section shall apply to the sale of newspapers.

Daily and weekly hours of work in shops.

9. (1) Subject to the provisions of this Act, no person employed in any shop shall be required or allowed to work therein for more than eight hours in any day and forty-eight hours in any week:

Provided that any such person may be allowed to work in such shop for any period in excess of the limit fixed under this sub-section subject to payment of overtime wages, if the period of work, including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any shop shall be required or allowed to work therein for more than four hours in any day unless he has had an interval for rest of at least one hour.

Spread over of periods of work.

10. The periods of work of a person employed in a shop shall be so arranged that, along with his interval for rest, they shall not spread over more than twelve hours in any day.

Closing of shops and grant of holidays.

11. (1) Every shop shall remain entirely closed on one day of the week which day shall be specified by the shopkeeper in a notice permanently exhibited in a conspicuous place in the shop; and the day so specified shall not be altered by the shopkeeper more often than once in three months.

(2) Every person employed in a shop shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorised leave, is less than six days, or entitle a person who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of sub-section (1), to an additional holiday.

(3) No deduction shall be made from the wages of any person employed in a shop on account of any day on which it has remained closed or a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive

wages for such day he shall nonetheless be paid for such day the wages he would have drawn, had the shop not remained closed, or had the holiday not been allowed, on that day.

## CHAPTER III.

### ESTABLISHMENTS OTHER THAN SHOPS.

Application of this Chapter to establishments other than shops.

12. The provisions of this Chapter shall apply only to establishments other than shops.

Opening and closing hours.

13. (1) Save as provided by or under any other enactment for the time being in force, no establishment shall on any day be opened earlier or closed later than such hour as may be fixed by the Government by general or special order in that behalf:

Provided that in the case of a restaurant or eating-house, any customer who was being served or was waiting to be served therein at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.

(2) Before passing an order under sub-section (1), the Government shall make an inquiry in the prescribed manner.

(3) The Government may, for the purposes of this section, fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year.

Daily and weekly hours of work.

14. (1) Subject to the provisions of this Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week:

Provided that any such person may be allowed to work in such establishment for any period in excess of the limit fixed under this sub-section subject to payment of overtime wages, if the period of work, including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any establishment shall be required or allowed to work in such establishment for more than four hours in any day unless he has had an interval for rest of at least one hour.

Spread over of periods of work.

15. The periods of work of a person employed in an establishment shall be so arranged that along with his

intervals for rest, they shall not spread over more than twelve hours in any day.

Holidays.

16. (1) Every person employed in any establishment shall be allowed in each week a holiday of one whole day;

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorised leave, is less than six days.

(2) No deduction shall be made from the wages of any person employed in an establishment on account of any day on which a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive wages for such day he shall nonetheless be paid for such day the wages he would have drawn, had the holiday not been allowed on that day.

## CHAPTER IV.

### EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.

Children not to work in establishments.

17. No child shall be required or allowed to work in any establishment.

Young persons not to work before 6 a.m.

18. No young person shall be required or allowed to work in any establishment other than a theatre before 6 A.M.

Daily and weekly hours of work for young persons.

19. Notwithstanding anything contained in this Act, no young person shall be required or allowed to work in any establishment for more than seven hours in any day and forty-two hours in any week nor shall such person be allowed to work overtime.

## CHAPTER V.

### HEALTH AND SAFETY.

Cleanliness.

20. The premises of every establishment shall be kept clean and free from effluvia arising from any drain or privy attached to the premises or other nuisance and shall be cleansed at such times and by such methods as may be prescribed; and these methods may include lime washing, colour washing, disinfecting and deodorising.

Ventilation.

21. The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed.

Lighting.

22. (1) The premises of every establishment shall be sufficiently lighted during all working hours.

(2) If it appears to an Inspector that the premises of any establishment within his jurisdiction is not sufficiently lighted or ventilated, he may serve on the employer an order in writing specifying the measures which, in his opinion, should be adopted and requiring them to be carried out before a specified date.

Precautions against fire.

23. In every establishment, such precautions against fire shall be taken as may be prescribed.

Appeals.

24. Against any order of the Inspector under this Chapter, an appeal shall lie to such authority and within such time as may be prescribed; and the decision of the appellate authority shall be final.

## CHAPTER VI.

### HOLIDAYS WITH WAGES.

Holidays and sick leave.

25. (1) Every person employed in any establishment shall be entitled, after twelve months' continuous service, to holidays with wages for a period of ten or if a young person twelve days, in the subsequent period of twelve months, provided that such holidays with wages may be accumulated up to a maximum period of twenty or if a young person twenty-four days.

*Explanation.*—For the purposes of this sub-section any continuous period of service preceding the date on which this Act applies to any establishment shall also count, subject to a maximum period of twelve months.

(2) Every person employed in any establishment shall also be entitled during his first twelve months of continuous service after the commencement of this Act, and during every subsequent twelve months of such service, to leave with wages for a period not exceeding ten or if a young person twelve days on the ground of any sickness incurred or accident sustained by him.

(3) If a person entitled to any holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays, or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay him the amount payable under this Act in respect of the holidays.

(4) If a person entitled to any leave under sub-section (2) is discharged by his employer when he is sick

or suffering from the result of an accident, the employer shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (3).

(5) A person employed shall be deemed to have completed a period of twelve months' continuous service within the meaning of this section, notwithstanding any interruption in service during those twelve months brought about (i) by sickness, accident, or authorised leave (including authorised holidays), not exceeding ninety days in the aggregate for all three; or (ii) by a lock-out; or (iii) by a strike which is not an illegal strike; or (iv) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and authorised leave shall be deemed not to include any weekly holiday or half-holiday, allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave.

(6) A person employed in a hostel attached to a school or college or in an establishment maintained in a boarding school in connection with the boarding and lodging of pupils and resident masters shall be allowed the privileges referred to in sub-sections (1) to (5), reduced however proportionately to the period for which he was employed continuously in the previous year or to the period for which he will be employed continuously in the current year, as the case may be; and all references to periods of holidays or of leave in sub-sections (1) and (2) shall be construed accordingly, fractions of less than one day being disregarded.

(7) The Government shall have power to issue directions as to the manner in which the provisions of sub-section (6) shall be carried into effect in all or any class of cases or in any particular case.

Pay during annual holidays.

26. Every person employed shall, for the holidays or the period of the leave allowed under sub-section (1) or (2) of section 25, be paid at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months exclusive of any earnings in respect of overtime.

Power to increase the number of holidays.

27. Notwithstanding anything contained in section 25, the Government may, by notification, increase the total number of annual holidays and the maximum number of days up to which such holidays may be accumulated in respect of any establishment or class of establishments.

Power of Inspector to act for person employed.

28. Any Inspector may institute proceedings on behalf of any person employed to recover any sum required to be paid under this Chapter by an employer which he has not paid.

## CHAPTER VII.

### WAGES.

Responsibility for payment of wages.

29. Every employer shall be responsible for the payment to persons employed by him of all wages and sums required to be paid under this Act.

Fixation of wage period.

30. (1) Every employer shall fix periods (in this Act referred to as wage periods) in respect of which such wages shall be payable.

(2) No wage period shall exceed one month.

Wages for overtime work.

31. Where any person employed in any establishment is required to work overtime, he shall be entitled, in respect of such overtime work, to wages at twice the ordinary rate of wages.

*Explanation.*—For the purpose of this section, the expression "ordinary rate of wages" shall mean such rate of wages as may be calculated in the manner prescribed.

Time of payment of wages.

32. (1) The wages of every person employed shall be paid before the expiry of the fifth day after the last day of the wage period in respect of which the wages are payable.

(2) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by such person shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(3) The Government may, by general or special order, exempt an employer from the operation of this section in respect of the wages of any person employed or class of persons employed, to such extent and subject to such conditions as may be specified in the order.

(4) All payments of wages shall be made on a working day.

Wages to be paid in current coin or currency notes.

33. All wages shall be paid in current coin or currency notes or in both.

Deductions which may be made from.

34. (1) The wages of a person employed shall be paid to him without deductions of any kind except those authorised by or under this Act.

*Explanation.*—Every payment made by a person employed to the employer shall, for the purposes of this Act, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely:—

(*a*) fines;
(*b*) deductions for absence from duty;
(*c*) deductions for damage to, or loss of, goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;
(*d*) deductions for house accommodation supplied by the employer;
(*e*) deductions for such amenities and services supplied by the employer as the Government may, by general or special order, authorise;
(*f*) deductions for recovery of advances or for adjustment of over-payments of wages;
(*g*) deductions of prescribed insurance premia payable by the employed person;
(*h*) deductions required to be made by order of a Court or other authority competent to make such order;
(*i*) deductions for subscriptions to, and for repayment of advances from, any provident fund to which the Provident Funds Act, 1916, applies or any provident fund approved in this behalf by the Government during the continuance of such approval;
(*j*) deductions for payments to co-operative societies approved in this behalf by the Government or to a scheme of insurance maintained by the Indian Post Office or by any insurance company approved in this behalf by the Government;
(*k*) deductions made with the written authorization of the employed person in furtherance of any savings scheme approved by the Government for the purchase of securities.

Fines

35. (1) No fine shall be imposed on any person employed save in respect of such acts and omissions on his part as the employer, with the previous approval of the

Government or of the prescribed authority, may have specified by notice under sub-section (2).

(2) A notice specifying such acts and omissions shall be exhibited in the prescribed manner on the premises in which the employment is carried on.

(3) No fine shall be imposed on any person employed until he has been given an opportunity of showing cause against the fine or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines.

(4) The total amount of fine which may be imposed in any one wage period on any person employed shall not exceed an amount equal to half an anna in the rupee of the wages payable to him in respect of that wage period.

(5) No fine shall be imposed on any person employed who has not completed his fifteenth year.

(6) No fine imposed on any person employed shall be recovered from him after the expiry of sixty days from the day on which it was imposed.

(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(8) All fines and all realizations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed; and all such realizations shall be applied only to such purposes beneficial to the persons employed in the establishments as are approved by the prescribed authority.

*Explanation.*—When the persons employed are only part of a staff employed under the same management, all such realizations may be credited to a common fund maintained for the staff as a whole, provided that the fund shall be applied only to such purposes as are approved by the prescribed authority.

Deductions for absence from duty.

36. (1) Deductions may be made under clause (*b*) of sub-section (2) of section 34 only on account of the absence of an employed person from the place or places where, by the terms of his employment, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage period for which the deduction is made, a larger proportion than the period for which he was absent bears to the total period, within such wage period during which by the terms of his employment, he was required to work:

Provided that, subject to any rule made in this behalf by the Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say, without giving the notice which is required under the terms of their contract of employment) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for eight days as may by any such term be due to the employer in lieu of due notice.

*Explanation.*—For the purposes of this section, an employed person shall be deemed to be absent from the place where he is required to work, if, although present in such place, he refuses, in pursuance of a stay-in-strike or for any other cause which is not reasonable in the circumstances, to carry out his work.

Deductions for damage or loss.

37. (1) Deduction under clause (*c*) of sub-section (2) of section 34 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the person employed and shall not be made until the person employed has been given an opportunity of showing cause against the deduction, or otherwise than in accordance with such procedure as may be prescribed for the making of such deduction.

(2) All such deductions and all realisations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed.

Deduction for services rendered.

38. Deduction under clause (*d*) or clause (*e*) of sub-section (2) of section 34 shall not be made from the wages of a person employed unless the house accommodation, amenity or service has been accepted by him, as a term of employment or otherwise, and such deductions shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplied and in the case of a deduction under the said clause (*e*) shall be subject to such conditions as the Government may impose.

Deductions for recovery of advances.

39. Deductions under clause (*f*) of sub-section (2) of section 34 shall be subject to the following conditions, namely,—

(*a*) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage period, but no recovery shall be made of such advances given for travelling expenses;

(*b*) recovery of advances of wages not already earned shall be subject to any rule made by the Government regulating the extent to which such advances may be given and the instalments by which they may be recovered.

Deductions for payment to co-operative societies and insurance schemes.

40. Deductions under clauses (*j*) and (*k*) of sub-section (2) of section 34 shall be subject to such conditions as the Government may impose.

Notice of dismissal.

41. (1) No employer shall dispense with the services of a person employed continuously for a period of not less than six months, except for a reasonable cause and without giving such person at least one month's notice or wages in lieu of such notice, provided, however, that such notice shall not be necessary where the services of such person are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held for the purpose.

(2) The person employed shall have a right to appeal to such authority and within such time as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer.

(3) Where the services of a person have been dispensed with in contravention of the provisions of sub-section (1), such person shall, where the employer does not agree to reinstate him, be entitled to such compensation as the appellate authority may determine, provided that such compensation shall not exceed an amount calculated at one month's wages for every year of service subject, in any case, to a maximum of six months' wages.

(4) The decision of the appellate authority shall be final and binding on both the employer and the person employed.

## CHAPTER VIII.

### APPOINTMENT, POWERS AND DUTIES OF INSPECTORS.

Appointment of Inspectors

42. The Government may, by notification, appoint such officers of the Government or of any local authority as they think fit to be Inspectors for the purposes of this Act, within such local limits as the Government may assign to them.

Powers and duties of Inspectors.

43. Any Inspector may at all reasonable hours enter into any premises which is, or which he has reason to believe is, an establishment, with such assistants and make such examination of the premises and of the prescribed registers, records or notices as may be prescribed.

Inspectors to be public servants.

44. Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

## CHAPTER IX.

### PENALTIES FOR OFFENCES.

Penalties.

45. (1) Any employer who contravenes any of the provisions of sections 7, 9 to 11, 13 to 23, 25, 26, 29 to 41 and 47 shall be punishable, for a first offence, with fine which may extend to twenty-five rupees, and for a second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) Whoever contravenes the provisions of section 8 shall be punishable, for a first offence, with fine which may extend to ten rupees, and for a second or subsequent offence with fine which may extend to one hundred rupees.

Penalty for obstructing Inspectors, etc.

46. Any person who wilfully obstructs an Inspector in the exercise of any power conferred on him under this Act or any person lawfully assisting an Inspector in the exercise of such power, or who fails to comply with any lawful direction made by an Inspector, shall be punishable with fine which may extend to two hundred and fifty rupees.

## CHAPTER X.

### MISCELLANEOUS.

Maintenance of registers and records and display of notices.

47. Subject to the general or special orders of the Government, an employer shall maintain such registers and records and display such notices as may be prescribed.

Delegation of powers.

48. (1) The Government may, by notification, authorise any officer or authority subordinate to it, to exercise any one or more of the powers vested in it by or under this Act, except the power mentioned in section 49, subject to such restrictions and conditions, if any, as may be specified in the notification.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision

by the Government or by such persons as may be empowered by it in that behalf. The Government shall also have power to control and revise the acts or proceedings of any person so empowered.

Power to make rules.

49. (1) The Government may make rules to carry out the purposes of this Act.

(2) In making a rule under sub-section (1) the Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

Rights and privileges under any other law, etc., not affected.

50. Nothing contained in this Act shall affect any rights or privileges which any person employed in any establishment is entitled to, on the date on which this Act comes into operation in respect of such establishment, under any other law, contract, custom or usage applicable to such establishments, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

Commissioner of Labour to decide certain questions.

51. If any question arises whether all or any of the provisions of this Act apply to any establishment or to a person employed therein or whether section 50 applies to any case or not, it shall be decided by the Commissioner of Labour and his decision thereon shall be final and shall not be liable to be questioned in any Court of Law.

Power of Government to suspend provisions of the Act during fairs and festivals.

52. On any special occasion in connection with a fair or festival or a succession of public holidays, the Government may, by notification, suspend for a specified period the operation of all or any of the provisions of this Act.

(Sd.) A. RAMASWAMI MUDALIAR,
*Dewan.*

No. S. R. 2550—J. S. 21-47-4, dated Bangalore, the 30th January 1948.

In exercise of the powers conferred by sub-section 2 of section 1 of the Mysore Companies (Amendment) Act, 1946 (VI of 1946), the Government of His Highness the Maharaja are pleased to direct that the said Act shall come into force from 1st February 1948.

S. KANAKARATNARAJ, *Law Secy*

Printed by the Superintendent at the Government Press, Bangalore.